

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WSOU INVESTMENTS, LLC, d/b/a BRAZOS  
LICENSING AND DEVELOPMENT,

**Plaintiff,**

V.

F5 NETWORKS, INC.,

**Defendant.**

No.

## **COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development

(“Plaintiff”), through its attorneys, complains of F5 Networks, Inc. (“Defendant”), and alleges the following:

## PARTIES

1. Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 605 Austin Avenue, Suite 6, Waco, Texas 76701.

## COMPLAINT FOR PATENT INFRINGEMENT- 1

**CORR CRONIN LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900

2. Defendant F5 Networks, Inc. is a corporation organized and existing under the laws of Washington that maintains its principal place of business at 801 5th Avenue, Seattle, Washington 98104.

## JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States. Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

## VENUE

6.       Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant maintains its principal place of business in this District, has committed acts of patent infringement in this District, and has an established place of business in this District. In addition, Plaintiff has suffered harm in this District.

## PATENT-IN-SUIT

7. Plaintiff is the assignee of all right, title and interest in United States Patent No. 8,248,940 (the “Patent-in-Suit”); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

1  
2           **THE '940 PATENT**  
3  
4  
5

6       8.     The '940 Patent is entitled "Method and apparatus for targeted content delivery  
7 based on internet video traffic analysis," and issued 08/21/2012. The application leading to the  
8 '940 Patent was filed on 01/30/2008. A true and correct copy of the '940 Patent is attached  
9 hereto as Exhibit 1 and incorporated herein by reference.  
10

11     9.     The '940 Patent is valid and enforceable.  
12

7           **COUNT 1: INFRINGEMENT OF THE '940 PATENT**  
8  
9

10     10.   Plaintiff incorporates the above paragraphs herein by reference.  
11

12     11.   Direct Infringement. Defendant has been and continues to directly infringe one or  
13 more claims of the '940 Patent in at least this District by making, using, offering to sell, selling  
14 and/or importing, without limitation, at least the Defendant products identified in the charts  
15 incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at  
16 least the exemplary claims of the '940 Patent also identified in the charts incorporated into this  
17 Count below (the "Exemplary '940 Patent Claims") literally or by the doctrine of equivalents.  
18 On information and belief, numerous other devices that infringe the claims of the '940 Patent  
19 have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.  
20

21     12.   Defendant also has and continues to directly infringe, literally or under the  
22 doctrine of equivalents, the Exemplary '940 Patent Claims, by having its employees internally  
23 test and use these Exemplary Products.  
24

25     13.   **Actual Knowledge of Infringement.** The service of this Complaint upon  
26 Defendant constitutes actual knowledge of infringement as alleged here.  
27

1       14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer  
 2 for sale, market, and/or import into the United States, products that infringe the '940 Patent. On  
 3 information and belief, Defendant has also continued to sell the Exemplary Defendant Products  
 4 and distribute product literature and website materials inducing end users and others to use its  
 5 products in the customary and intended manner that infringes the '940 Patent. *See Exhibit 2*  
 6 (described below).

7       15. **Induced Infringement.** Defendant therefore actively, knowingly, and  
 8 intentionally has been and continues to induce infringement of the '940 Patent, literally or by the  
 9 doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in  
 10 end-user products in a manner that infringes one or more claims of the '940 Patent.

12       16. **Contributory Infringement.** Defendant therefore actively, knowingly, and  
 13 intentionally has been and continues materially contribute to their own customers infringement  
 14 of the '940 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant  
 15 Products to their customers for use in end-user products in a manner that infringes one or more  
 16 claims of the '940 Patent. The Exemplary Defendant Products are especially made or adapted for  
 17 infringing the '940 Patent and have no substantial non-infringing use. For example, in view of  
 18 the preceding paragraphs, the Exemplary Defendant Products contain functionality which is  
 19 material to at least one claim of the '940 Patent.

21       17. Exhibit 2 includes charts comparing the Exemplary '940 Patent Claims to the  
 22 Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products  
 23 practice the technology claimed by the '940 Patent. Accordingly, the Exemplary Defendant  
 24 Products incorporated in these charts satisfy all elements of the Exemplary '940 Patent Claims.

18. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

19. Plaintiff is entitled to recover damages adequate to compensate for Defendants' infringement.

## JURY DEMAND

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '940 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly, contributorily, and/or induced infringement of one or more claims of the '940 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants past infringement with respect to the '940 Patent.
- E. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants continuing or future infringement, up until the date such judgment is entered with respect to the '940 Patent, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284;
- F. And, if necessary, to adequately compensate Plaintiff for Defendants infringement, an accounting:

- 1 i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285  
2 and that Plaintiff be awarded its reasonable attorneys fees against Defendant  
3 that it incurs in prosecuting this action;
- 4 ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this  
5 action; and
- 6 iii. that Plaintiff be awarded such further relief at law or in equity as the Court  
7 deems just and proper.

Dated: January 29, 2021

1 By: s/ Blake Marks-Dias  
2 Blake Marks-Dias, WSBA No. 28169  
3 bmarks-dias@corrchronin.com

4 s/ Eric A. Lindberg  
5 Eric A. Lindberg, WSBA No. 43596  
6 elindberg@corrchronin.com  
7 **CORR CRONIN LLP**  
8 1001 Fourth Avenue, Suite 3900  
9 Seattle, WA 98154  
10 Telephone: (206) 625-8600

11 Jonathan K. Waldrop (CA Bar No. 297903)  
12 (Pro hac vice forthcoming)  
13 jwaldrop@kasowitz.com  
14 Darcy L. Jones (CA Bar No. 309474)  
15 (Pro hac vice forthcoming)  
16 djones@kasowitz.com  
17 Marcus A. Barber (CA Bar No. 307361)  
18 (Pro hac vice forthcoming)  
19 mbarber@kasowitz.com  
20 John W. Downing (CA Bar No. 252850)  
21 (Pro hac vice forthcoming)  
22 jdowning@kasowitz.com  
23 Heather S. Kim (CA Bar No. 277686)  
24 (Pro hac vice forthcoming)  
25 hkim@kasowitz.com  
26 Jack Shaw (CA Bar No. 309382)  
27 (Pro hac vice forthcoming)  
28 jshaw@kasowitz.com  
29 ThucMinh Nguyen (CA Bar No. 304382)  
30 (Pro hac vice forthcoming)  
31 tnguyen@kasowitz.com  
32 **KASOWITZ BENSON TORRES LLP**  
33 333 Twin Dolphin Drive, Suite 200  
34 Redwood Shores, California 94065  
35 Telephone: (650) 453-5170

36 Paul G. Williams (GA Bar No. 764925)  
37 (Pro hac vice forthcoming)  
38 pwilliams@kasowitz.com  
39 **KASOWITZ BENSON TORRES LLP**  
40 1230 Peachtree Street N.E., Suite 2445  
41 Atlanta, Georgia 30309  
42 Telephone: (404) 260-6080

43 **Attorneys for Plaintiff**  
44 **WSOU INVESTMENTS, LLC d/b/a**  
45 **BRAZOS LICENSING AND**  
46 **DEVELOPMENT**